

MAR 18 2013

JULIA C. DUBLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA)	Criminal Action No. 7:10CR00080
)	Civil Action No. 7:12CV80474
v.)	
)	<u>FINAL ORDER</u>
GEORGE THEODORE FITZGERALD,)	
)	By: Hon. Glen E. Conrad
Defendant.)	Chief United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The government's motion to dismiss is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 is **DENIED** and this action shall be **STRICKEN** from the active docket of the court; and
3. A certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant and all counsel of record.

ENTER: This 18th day of March, 2013.



Chief United States District Judge